

REMARKS

Amendments

Applicant has amended the independent claims to specify that executable storage instructions are received from a media service provider and replacing stored content data that is part of an audiovisual program with new content data. No new matter has been added because support for the amendments can be found, *intra alia*, on page 5, line 11 – page 6, line 6; page 18, line 17 – page 17, line 18; and Figure 3.

Rejections under 35 U.S.C. § 103(a)

Claims 1-4, 6-9, 11-14, 16-19, 21-24, 26-29, 31, and 34-35 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan et al., U.S. Patent 6,236,395 (previously cited) and Eyer et al, U.S. Patent 6,401,242. Eyer qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Eyer is prior art and reserves the right to challenge the reference at a later date.

Sezan discloses that a system description scheme is used to manage individual programs, by maintaining lists of programs, categories, channels, users, audio and images.

Eyer discloses receiving and filtering interactive program guide data by region with an integrated receiver-decoder. The receiver-decoder filters the interactive program guide data and can update parts of the existing program guide.

In independent claims 1, 11, and 21, Applicant claims replacing stored content that is part of an audiovisual program with received content data. Because Sezan manages individual programs and not parts of the program content, Sezan cannot teach or suggest replacing the stored content that is part of an audiovisual program as claimed. Furthermore, because Eyer is directed towards managing an electronic program guide, Eyer cannot teach or suggest replacing content data that is part of an audiovisual program with received content data as claimed.

In addition, in independent claim 1, Applicant claims a media storage device that receives executable storage management instructions from a media service provider. In an Office Action August 16, 2006, the Examiner cites a section of Sezan as disclosing

executable storage medium instructions (Sezan, Col. 7, lines 18-24). However, this section of Sezan merely discloses indexing the stored data and does not disclose receiving executable storage management instructions from a media service provider as claimed. Furthermore, Eyer discloses receiving program guide data. It is well known that data is not properly equivalent to executable instructions. Thus, Eyer cannot be properly interpreted as teaching or suggesting receiving executable storage management instructions from a media storage provider as claimed.

Therefore, the combination of Sezan and Eyer does not render obvious independent claims 1, 11, and 21, and claims 2-4, 6-9, 12-14, 16-19, 22-24, 26-29, 31, and 34-35 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over Sezan and Eyer.

Claims 5, 10, 20, and 30

Claims 5, 10, 20, and 30, which depend from one of independent claims 1, 11, and 21, stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan in view of Kunkel et al., U.S. Patent 2002/0056093. Kunkel only qualifies as prior art under 35 U.S.C. § 102(e) because it was published after Applicant's filing date. Applicant does not admit that Kunkel is prior art and reserves the right to challenge it at a later date.

Kunkel discloses transmitting advertisements in a broadcast distribution system that is targeted to a system user. The system transmits multiple advertisements to the user. The system selects one advertisement to display based on the user's demographic data. However, because Kunkel selects one advertisement from a group of transmitted advertisements, Kunkel does not teach or suggest replacing stored content that is part of an audiovisual program with received content data as claimed in independent claims 1, 11, and 21. Furthermore, Kunkel does not teach or suggest receiving executable storage management instructions from a media storage provider as claimed in independent claim 1. As discussed above, neither Sezan nor Eyer teach or suggest these claim limitations.

Because none of Sezan, Eyer, or Kunkel teach or suggest each and every limitation of independent claims 1, 11, and 21, the combination cannot be properly interpreted as doing so. Therefore, the combination cannot render obvious Applicant's invention as claimed in dependent claims 5, 10, 20, and 30, and Applicant respectfully

requests the withdrawal of the rejection under 35 U.S.C. § 103 over the combination of Sezan, Eyer, and Kunkel.

Claims 32-33

Claims 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sezan in view of Eyer and Kenner et al., U.S. Patent 5,953,716 (previously cited).

Kenner discloses a system that retrieves video clips that are stored locally or at a remote location. Furthermore, the system can update whole video clips and the video clips can be segmented. However, Kenner does not teach or suggest that the video clip segments can be individually updated. Thus, Kenner cannot be properly interpreted as disclosing to update a stored program with the updated version of the particular one of the plurality of clips as claimed in independent claim 32. As discussed above, neither Sezan nor Eyer teach or suggest this claim limitation.

Because none of Sezan, Eyer, or Kenner teaches each and every limitation of independent claim 32, the combination cannot be properly interpreted as doing so. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 32 and 33, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103 over the combination of Sezan, Eyer, and Kenner.

SUMMARY

Claims 1-14, 16-24 and 26-35 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

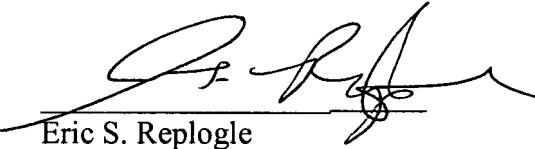
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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